

REMARKS

Claims 1-3 and 6-15 are pending in the present application. Claims 16-23 have been added by the above amendment.

The following remarks comprises a response to the final Office Action dated January 12, 2004, and take into account the examiner's comments in the Advisory Action dated May 17, 2004.

The Advisory Action of May 17, 2004, indicated that claim 11 as amended in the April 12, 2004, Amendment after Final Rejection would be allowable. Claim 11 submitted herewith is identical to the version of claim 11 that accompanied the April 12, 2004, Amendment after Final Rejection. Claim 11 and its dependent claims 16-19 are therefore believed to be allowable and will not be addressed further herein.

Claim 1 stands rejected under 35 U.S.C. 102(e) as being anticipated by Ryne. Applicant has argued that Ryne does not show all elements required by claim 1 and is not anticipated by claim 1, and Applicant maintains these arguments. However, even if Ryne is configured as asserted by the examiner, it is respectfully submitted that Ryne does not anticipate claim 1.

The examiner has argued that motor element 28 of Ryne can be "rotated such that the pin moves lengthwise in the arc-shaped groove to establish the desired impact releasable connection" (Final Office Action). Therefore, for sake of argument only, Applicant will assume that Ryne's motor element 28 can be

removed from support 30 by rotating it in a clockwise direction. In other words, motor element 28 will release upon the application of rotational energy thereto. Claim 1 requires that a motor release upon the application of "impact" energy which would necessarily be linear rather than rotational. Ryne will not release upon the application of impact energy as required by claim 1, and claim 1 is therefore submitted to be allowable over this reference.

In the event the examiner does not agree that impact energy necessarily constitutes linearly applied energy, new claims 21 and 23 have been added which require that the motor release upon the application of linear energy thereagainst. It is respectfully submitted that Ryne does not disclose a motor that releases upon the application of linear energy thereagainst and that claim 1 is therefore allowable over the prior art.

Claims 2, 3, 6-10 and 12-15 depend from claim 1 and are therefore submitted to be allowable for the same reasons as claim 1.

New claim 22 requires a steering assist motor having a peripheral face provided with at least one projection for applying rotational force to the motor housing by the impact energy. An electric power steering apparatus having such a structure is not shown or suggested by the prior art, and claim 22 is therefore also submitted to be allowable.

Conclusion

Each issue raised in the final Office Action dated January 12, 2004, has been addressed, and it is believed that claims 1-3 and 6-23 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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